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LITHUANIA

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I. LAND AND PEOPLE 1/

1. The Republic of Lithuania is located on the eastern Baltic seaboard. It borders with Latvia to the north, Belarus to the east, and Poland and the Kaliningrad region of the Russian Federation to the south. Lithuania covers an area of 65,300 square kilometres. At the beginning of 1998 the population was 3,704,000, the population density 57 persons per square kilometre. The capital of Lithuania is Vilnius.

2. Economic and demographic data:

Average income per capita: LT 452 (first quarter 1998); average disposable income per capita was LT 393.7;

GDP: LT 31,569 million (1996); LT 38,201 million (1997) (preliminary data);

Rate of inflation: 45.1 per cent (1994); 8.4 per cent (1997);

External debt: US$ 1,402.7 million (1 January 1998);

Rate of unemployment: 5.9 per cent (1997); 6.9 per cent (April 1998);

Literacy rate: According to the census of 1989, 99.8 per cent of the population from 9 to 49 years of age was literate;

Religion: the majority of the population is Roman Catholic;

Ethnic composition of the population: according to data at the beginning of 1997, Lithuanians comprised 81.6 per cent, Russians 8.2 per cent, Poles 6.9 per cent, Belarusians 1.5 per cent, Ukrainians 1.0 per cent, Jews 0.1 per cent and other nationalities 0.7 per cent;

Life expectancy: 65.0 for men and 76.1 for women (1996);

Infant mortality: in 1997, 391 children under one year of age died, 210 in urban areas and 181 in rural areas; there were 10 death of children under one year of age per 1,000 births (8.8 in urban areas, 12.9 in rural areas); there were 226 deaths of children aged less than 30 days and 165 deaths among those aged less than 7 days;

Maternal mortality: in 1997, 6 women died of complications during pregnancy, delivery or the postnatal period; there were 0.8 deaths per 100,000 women between 15 and 49 years of age;

Fertility rate: in 1997 40 babies were born per 1,000 women 15-49 years of age; the total fertility rate was 1.39;

1/ See additional socio-demographic data in the tables and diagrams in the annexes to the report to the Committee on the Rights of the Child.

Composition of the population by age and place of residence: at the beginning of 1998, children 0-14 years of age comprised 21 per cent, and persons 65 years of age and older 12.7 per cent of the total population; urban dwellers constituted 68.3 per cent and rural dwellers 31.7 per cent;

Households headed by women: 45 per cent (the breadwinner is considered to be the person with the highest income).

II. GENERAL POLITICAL STRUCTURE

3. The name of Lithuania was mentioned in the historical annals for the first time in 1009. In the thirteenth century Lithuania emerged as a centralized medieval State. In 1385 Lithuania adopted officially the Catholic faith and concluded a dynastic union with Poland, which turned into a commonwealth of two nations in 1568. Following protracted ward Lithuania and Poland were divided in three successive partitions - in 1772, 1793 and 1795 - among the Russian, Austro-Hungarian and Prussian empires. Almost the whole of Lithuania was incorporated into the Russian empire. In the nineteenth century Lithuania experience brutal national and religious oppression by the Russian tsarist State. The national liberation movement was gradually evolving in the struggle against this rule.

4. During the First World War Lithuania was occupied by Germany (1915-1918). On 16 February 1918 (Independence Day), the Lithuanian Council declared the Republic of Lithuania. During the 20 years of independence Lithuania attained significant results in the spheres of economy and culture. The Lithuanian State was recognized at the international level and became a member of the League of Nations.

5. In 1939, by the secret protocols of the Molotov-Ribbentrop pact, Stalin and Hitler divided Central Europe into spheres of influence. In 1940 the Soviet Union occupied and annexed Lithuania and declared the Soviet Socialist Republic of Lithuania. During the Second World War Lithuania was occupied by Nazi Germany. The SS and Gestapo organized the annihilation of the 250,000 Lithuanian Jews. In 1944 the Red Army reoccupied Lithuania. Lithuanian guerrillas put up a resistance and continued their struggle up to 1953. The Soviet Union renewed the deportations of the population which had begun before the war. About 250,000 inhabitants of Lithuania were deported to Siberia or the Arctic.

6. The Soviet power destroyed the traditional structure of Lithuania's market, expropriated private property, centralized the economy and incorporated it into the common economic space of the Soviet Union. Political democracy was eliminated, and the society was controlled by the Communist Party and the KGB which imposed strict censorship also on the cultural life of the country.

7. Most democratic States never recognized Lithuania's incorporation into the Soviet Union. Lithuanian diplomatic missions continued their activities abroad up to 1991. The Lithuanian nation never lost its identity and its hope to restore the State. In the first democratic elections in 1988, the Lithuanian reform movement Sajudis defeated the Communist Party.

On 11 March 1990 the newly elected Lithuanian Supreme Council promulgated the restoration of the independence of the Republic of Lithuania. Seeking to halt Lithuania's self-liberation the Soviet Union imposed an economic blockade on Lithuania, and in January 1991 it made an unsuccessful attempt to take over the State power.

8. Iceland was the first State to recognize Lithuania (12 February 1991). After the failed putsch in Moscow in August 1991, the independence of Lithuania was also recognized by the Soviet Union. On 17 September 1991 Lithuania joined the United Nations. In March 1993 Lithuania was admitted to the Council of Europe. On 31 August 1993 the Soviet troops were finally withdrawn from Lithuania. From 1994 Lithuania has been participating in NATO's Partnership for Peace Programme. In 1995 it signed the Association Agreement with the European Union. Membership in NATO and the European Union are the strategic goals of Lithuania's foreign policy.

9. The State of Lithuania is an independent democratic republic with the basic principles of a free market, the rule of law and democracy firmly established: a multi-party system has taken root, free and independent elections have become a norm of life, the Constitution and the laws are adhered to, human rights are respected, minorities are not discriminated against, and the mass media enjoy freedom.

10. According to the Constitution adopted at popular referendum on 25 October 1992, the powers of the State are exercised by the Seimas (Parliament), the President of the Republic and the Government, and the judiciary.

11. The Seimas is the legislative institution in Lithuania. The Seimas consists of representatives of the people - 141 Seimas members who are elected for a four-year term on the basis of universal, equal and direct suffrage by secret ballot. After the restoration of independence, two elections to the Seimas took place, in 1992 and 1996. In the Seimas, members of Parliament work in political parliamentary factions, standing committees and commissions. The Seimas considers and adopts amendments to the Constitution, passes laws, adopts resolutions concerning referendums, announces presidential elections of the Republic of Lithuania as well as local elections; establishes State institutions provided by laws, appoints and dismisses their chief officers; approves or rejects the candidature of the prime minister proposed by the President of the Republic; considers the programme of the Government and decides whether to approve it or not; supervises the activities of the Government; imposes direct administration, martial law or states of emergency, announces mobilization and adopts a decision to use the armed forces.

12. The President of the Republic is the head of the State. He represents the State of Lithuania. The President of the Republic is elected by the citizens of the Republic of Lithuania for a five-year-term of office on the basis of universal, equal and direct suffrage by secret ballot. The same person may not be elected to the office of the President of the Republic for more than two successive terms of office.

13. The President of the Republic settles basic issues of foreign policy and conducts foreign policy in conjunction with the Government; upon approval of

the Seimas appoints and dismisses the prime minister, authorizes him to form the Government and endorses its composition; accepts resignations from the Government and ministers and may authorize them to act in a particular capacity; upon a proposal of the prime minister appoints and dismisses ministers; appoints and dismisses, according to the established procedure, State officers provided by law; in the event of an armed attack which threatens the sovereignty of the State or territorial integrity, adopts decisions concerning defence against such armed aggression, the imposition of martial law, as well as mobilization, and submits these decisions to the next sitting of the Seimas for approval; declares states of emergency according to the procedure and cases established by law and submits this decision to the next sitting of the Seimas for approval; makes annual reports in the Seimas about the situation in Lithuania and domestic and foreign policy of the Republic of Lithuania; signs and promulgates laws adopted by the Seimas or refers them back to the Seimas. In executing the powers entrusted to him, the President of the Republic issues acts-decrees.

14. The Government of the Republic of Lithuania consists of the prime minister and ministers. The prime minister is appointed and dismissed by the President of the Republic upon the approval of the Seimas. Within 15 days from his appointment, the prime minister presents his Government to the Seimas and submits its programme for consideration. The new Governments empowered to act after its programme has been approved by the majority of the Seimas members participating in the Seimas session.

15. The Government of the Republic of Lithuania administers the affairs of the country, protects the inviolability of the territory of the Republic of Lithuania, ensures State security and public order; implements laws and the resolutions of the Seimas on the implementation of laws, as well as the decrees of the President; coordinates the activities of ministries and other government institutions; prepares drafts of the national budget and submits it to the Seimas; implements the national budget, submits statements of the budget performance to the Seimas; prepares draft laws and presents them to the Seimas for consideration; establishes diplomatic relations and maintains relations with foreign States and international organizations; fulfils other duties entrusted by the Constitution and other laws.

16. The Republic of Lithuania is divided into 56 administrative units: 12 cities and 44 regions. The territorial administrative units provided by law are entitled to the right of self-government. This right is implemented through appropriate local government councils. Members of local government councils are elected for a three-year term of office by the residents of an administrative unit - citizens of the Republic of Lithuania - on the basis of universal, equal and direct suffrage by secret ballot. The procedure for the organization and activities of self-government institutions is established by law.

17. In the Republic of Lithuania, the courts have the exclusive right to administer justice. The courts are independent. The Constitutional Court decides whether laws and other legal acts of the Seimas comply with the Constitution, and whether the acts of the President of the Republic and of the Government comply with the Constitution and the laws. The status of the Constitutional Court and the procedure of the implementation of powers thereof is established by the Law on the Constitutional Court of the Republic of Lithuania. The court system of the Republic of Lithuania consists of the Supreme Court, the Court of Appeal, and district and local courts.

18. State Control supervises the legality of the management and use of State property as well as of the national budget. Citizens' complaints concerning abuse of official position or bureaucracy by State and local government officials (except judges) are investigated by the Seimas Ombudsmen. They have the right to recommend to the court to dismiss the officials at fault from their posts. The Seimas Ombudsmen's Office started functioning on 31 March 1995.

III. GENERAL LEGAL FRAMEWORK WITHIN WHICH HUMAN RIGHTS ARE PROTECTED

A. Terms of reference of national institutions on the issues of human rights

19. In accordance with the existing laws, all of the citizens of the Republic of Lithuania as well as citizens of other States and persons without citizenship (unless the laws of the Republic of Lithuania provide otherwise) have the right to legal defence against attacks on their life and health, personal freedom, property, honour and dignity and other rights and freedoms guaranteed to them by the Constitution and laws of the Republic of Lithuania, as well as legal defence against the actions or inaction of the State and government institutions and officials. Therefore, according to the laws of the Republic of Lithuania, every interested person has the right to appeal to court according to the procedure established by law in order to defend a right which was violated or disputed, or a legitimate interest. It should also be noted that in the Republic of Lithuania the Seimas Ombudsmen's Office investigates complaints against abuse of official position and bureaucracy by State and local officials. Recently, a post of State Consultant on Human Rights was established within the Government.

B. Remedies available to a person who claims that his rights have been violated

20. The courts of the Republic of Lithuania, as well as arbitration, may apply to following measures of legal defence: recognition of rights; restoration of the status which existed prior to the infringement of the law; a sentence to fulfil the duty in kind; recovering damages from the person who violated the law; other measures provided for in laws.

C. Protection of rights and freedoms referred to in the international human rights instruments in the legal system of the Republic of Lithuania

21. All the basic human rights are established in the Constitution of the Republic of Lithuania: chapters II ("The Individual and the State"), III, IV and XIII and the Preamble. All persons falling under the jurisdiction of the Republic of Lithuania acquire basic rights and freedoms defined in the provisions of the Constitution. Specific ways of realizing these rights are established by other laws of the country. At the same time the Constitution of the Republic of Lithuania (art. 145) stipulates that during martial law or a state of emergency the rights and freedoms connected with a person's private life, property, inviolability of the dwelling, freedom of conviction, movement, association and meetings may be temporarily restricted.

D. Implementation of the human rights instruments in the legal system of Lithuania

22. The Republic of Lithuania is a party to the fundamental universal and regional (i.e. Council of Europe) human rights documents.

23. With reference to the implementation of the norms established in legal documents, it should be noted first of all that the system of coordination between international and domestic law which has been chosen by the Republic of Lithuania is based on the principle that international treaties are transformed in the State's legal system, i.e. are incorporated into it. The Constitution of the Republic of Lithuania (Part 3, art. 138) stipulates that the international treaties ratified by the Seimas of the Republic of Lithuania are a constituent part of the domestic legal system. In accordance with the laws of the Republic of Lithuania, the act of ratification grants a particular international legal document a status superior to that of the laws of the Republic of Lithuania*. However, as international treaties do not usually define ways of implementing rights, legal responsibility for violations, the terms of reference of appropriate national institutions, etc., and national laws are applied in order to implement the human rights established in the ratified treaties**.

24. In view of the foregoing, there are no obstacles to the direct application of the provisions of international treaties in the courts of Lithuania and other legal institutions.

25. It should be noted that in the Republic of Lithuania there is no special institution entrusted with the supervision of the process of human rights enforcement. Nevertheless, it is one of the goals of the Government's policy to guarantee human rights. Therefore, the supervision of human rights enforcement in the Republic of Lithuania is pursued by government institutions, the Ministry of Justice in particular, and certain special institutions like the Department of Regional Problems and Nationalities Affairs, the Children's Rights Protection Service and others.

IV. INFORMATION AND PUBLICITY

26. International human rights instruments to which Lithuania is a party are translated into the Lithuanian language and published. When ratified by the Seimas they acquire the power of law and their observance is guaranteed by the Government of the Republic of Lithuania.

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* In such a case a law on ratification of a particular international agreement (convention) is passed.

** If there is no need to follow domestic legal acts, then international norms incorporated in the domestic law are applied directly.